

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official Action dated 27 January 2006. Responsive to the rejections made in the Official Action, Claims 1 and 3 have been amended to clarify the language thereof and/or the combination of elements which form the invention of the subject Patent Application. Additionally, Claims 4-10 have been canceled by this Amendment and new Claims 11 and 12 have been added.

In the Official Action, the Examiner objected to the Drawings because several of the items shown in Figures 1 and 2 were not labeled in correspondence with their functionalities. It is respectfully submitted that each of the blocks of the block diagram in Fig. 2 are labeled, as required. The undersigned Attorney is not aware of any requirement that pictorial representations of elements, properly identified by reference numerals, require any Legends or other labeling in addition to the reference numerals, which do have corresponding descriptions in the Specification. Thus, it is believed that any Drawing corrections are required. If the Examiner is requiring labels to be added for those elements in the Figures, the Applicant is willing to amend the Drawings in accordance with the Examiner's requirement.

In the Official Action, the Examiner rejected Claims 3, 5 and 9 under 35 U.S.C. § 112, second paragraph. With respect to Claim 3, the Examiner stated that

there was insufficient antecedent basis for the limitation of "said memory card", but noted that Claim 2 could provide the antecedent basis for the limitation.

Claim 3 has been amended to now call for "said memory", for which Claim 1 provides proper antecedent basis. Thus, it is now believed that the Claims particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

In the Official Action, the Examiner rejected Claims 1, 6 and 10 under 35 U.S.C. § 102(e), as being unpatentable over Peng, et al., U.S. Patent Application Publication 2003/0233480. Claims 2 and 3 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Peng, et al., and Claims 4, 5, 8 and 9 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Peng, et al. and further in view of Ng, et al., U.S. Patent Application Publication 2004/0254661. Claim 7 was rejected under 35 U.S.C. § 103(a), as being unpatentable over Peng, et al. and further in view of Ekel, et al., U.S. Patent Application Publication 2002/0002707.

Before discussing the prior art relied upon by the Examiner, it is believed beneficial to first briefly review the structure of the invention of the subject Patent Application, as now claimed. The invention of the subject Patent Application is directed to a MP3 personal storage device adapted for wireless communication with a Bluetooth equipped cellular phone and a Bluetooth equipped data processing device, and includes an incoming call displaying function. The MP3

personal storage device has an earphone and a microphone and includes a memory control module coupled to at least one memory for storing a digital data. The device includes a single processing module coupled to the earphone, the microphone and the memory control module for processing the digital signal. The signal processing module includes (a) a voice transmission and encoder/decoder unit used to encode/decode a voice and convert data between a digital format and an analog format, and (b) a MP3 decoder used to decode a MP3 digital file to a voice signal for output to the earphone. The device further includes a blue tooth module coupled to the memory control module through a first output and the signal processing module through a second output for (a) receiving a remote data signal from the cellular phone and replying with a modulation signal, the remote data signal being coupled to the signal processing module to the second output, and (b) receiving MP3 encoded data from the data processing device and coupling the received MP3 encoded data to the memory control module through the first output. The MP3 personal storage device also includes a monitor coupled to the signal processing module for displaying broadcast information provided after processing a MP3 digital file by the signal processing module and incoming call information responsive to receiving the remote data signal from the cellular phone. By that arrangement, a MP3 player can wirelessly be uploaded with MP3 files, and can be used in conjunction with a cellular telephone to receive and transmit

voice signals, as well as displaying call information transmitted from the cellular phone.

In contradistinction, the Peng, et al. reference is directed to a device for integrating voice and data communications into a personal digital assistant (PDA). The apparatus 11 is coupled to the PDA interface 13 through a pair of digital buses 92 and 93 and a voice transmission path 98. The apparatus 11 includes a wireless local area network module 111 to which a voice and data signal can be transmitted to a terminal device 1111, which may be a personal computer or a Bluetooth earphone, paragraph 22. The wireless local area network module 111 may be a Bluetooth module and the PDA includes the capability of transmitting audio signals in the form of music which is provided in MP3 format, to the Bluetooth earphone. Additionally, the apparatus 11 includes a mobile communications network module 113 which allows the PDA to receive and make phone calls, paragraph 23. Thus, the PDA incorporates the functions of a MP3 player, a computing device and a cellular telephone, in a single unit.

However, the reference fails to disclose or suggest a Bluetooth module coupled to the memory control module to a first output and the signal processing module through a second output for (a) receiving a remote data signal from the cellular phone and replying with a modulation signal, the remote data signal being coupled to the signal processing module through the second output, and (b) receiving MP3 encoded data from the data processing device and coupling the

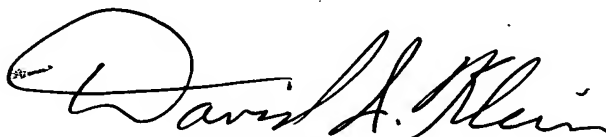
received MP3 encoded data to the memory control module through the first output, as now claimed. The reference discloses the use of the Bluetooth module simply for communicating audio signals to a wireless earphone and nowhere discloses or suggests the receipt of MP3 encoded data through the Bluetooth module for coupling directly to a memory control module, as now claimed. Still further, as the apparatus 11 includes the mobile communications network module and thus provides the cellular phone function within the PDA, the reference teaches away use of a Bluetooth module for transmitting voice and data signals from a cellular phone to a MP3 player, for voice communications therebetween and display of incoming call information. The invention of the subject Patent Application defines an accessory for use with a cellular phone, and is not a cellular phone in and of itself. The invention of the subject Patent Application provides a MP3 player with greater functionality, without significant increase in its size or cost. Further, as now defined in Claim 12, the signal processing module interrupts coupling of voice signals derived from the MP3 data to the earphone and substitutes therefore voice signals transmitted from the cellular phone, and then reverts back to transmission of the MP3 audio signals when the cellular phone call has been completed, which is neither disclosed nor suggested by Peng, et al.

As the Peng, et al. reference fails to disclose each and every one of the elements of the invention of the subject Patent Application, as now claimed, it cannot anticipate that invention. Further, as the reference fails to suggest such a

combination of elements, and in fact teaches away from that combination, it cannot make obvious that invention either.

For all of the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE

A handwritten signature in cursive script, reading "David I. Klein". The signature is written in dark ink and is positioned above the printed name and registration number.

David I. Klein
Registration #33,253

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Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
(410) 465-6678
Customer No. 04586